

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

MEMORANDUM AND ORDER

-against-

01 CR 917 (ILG)

ENRICO MONTAPERTO, SR.,

Defendant.

-----X  
GLASSER, United States District Judge:

The defendant was sentenced on March 13, 2003, to a five year term of probation, twelve months of which was to be served on home detention and was, in addition, ordered to make restitution in the amount of \$2,000,000 and perform 400 hours of community service. That sentence was imposed following his plea of guilty to conspiracy to commit a wide ranging securities fraud.

The defendant has requested early termination of his term of probation. The determination of that request is informed by 18 U.S.C. § 3564(c), which provides in part: “The court, after considering the factors set forth in section 3553(a) to the extent that they are applicable, may, pursuant to the provisions of the Federal Rules of Criminal Procedure . . . terminate a term of probation previously ordered . . . .”

The relevant Federal Rule of Criminal Procedure is 32.1(c) provides in part that the attorney for the government should be given notice of the request within a reasonable time to object.

The defendant’s request was forwarded to the Office of Probation as well as to the Assistant United States Attorney. The response received from both objected to the request in a Memorandum dated July 5, 2005, from the Office of Probation, and in a

letter dated July 8, 2005, from the government, both of which are hereby incorporated by reference.

For the reasons stated in those responses, his request is denied with leave to renew at a later date.

SO ORDERED.

Dated: Brooklyn, New York  
July 11, 2005.

S/ \_\_\_\_\_

I. Leo Glasser

Copies sent to:

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